

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
09/627,194	07/27/2000	Kiyoshi Ozaki	1324.64545	1269		
7.	590 12/13/2002					
Greer, Burns, & Crain, Ltd. Patrick G. Burns, Esq. 300 S. Wacker Drive, Suite 2500			EXAM	EXAMINER		
			NGUYEN,	NGUYEN, HOAN C		
Chicago, IL 6	0606		ART UNIT	PAPER NUMBER		
			2871			
			DATE MAILED: 12/13/2002	DATE MAILED: 12/13/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner				Application N	0.	Applicant(s)				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address =  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Each active of the prior the maining date of this communication.  If the period for exply specified above is less than thirty (30) days, a reply when the settlery instrument of their (20) signs the considered from the period for exply specified above is less than thirty (30) days, a reply when the settlery instrument of their (20) signs the considered shallow.  If the period for exply specified above is less than thirty (30) days, a reply when the settlery instrument of their (20) signs the considered shallow.  If the period for exply specified above is less than thirty (30) days, a reply when the settlery instrument of their (20) signs the discribitory of the period to exply specified above is less than thirty (30) days, and the settler than the se			09/627,194		SAKAI ET AL.					
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THE MAILING DATE OF THIS COMMUNICATION.  Extrasions of the may be available under the provides of 37 CFR 1.35(a). In no event, however, may a reply be timely filed after SX (8) MONTHS from the mailing date of this communication of the provided of the pro										
1) Responsive to communication(s) filed on 22 October 2002.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-12 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) 1-12 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) cocepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  16) Notice of Paferences Cited (PTO-852)  17) Notice of Informal Patent Application (PT	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any									
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Application/Control Number: 09/627,194

Art Unit: 2871

## **DETAILED ACTION**

## Election/Restrictions

This application contains embodiments directed to the following patentably distinct species of the claimed invention:

- A. The species of First embodiment (figure 8).
- B. The species of Second embodiment (figures 9 and 15).
- C. The species of Third embodiment (figures 10 and 16).
- D. The species of Fourth embodiment (figure 17).
- D. The species of Fifth embodiment (figure 18).
- D. The species of Sixth embodiment (figure 19).
- D. The species of Seventh embodiment (figure 20).
- D. The species of Eighth embodiment (figure 21).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and <u>a listing of all claims</u> and any drawings readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOAN C. NGUYEN whose telephone number is (703) 306-0472.

HOAN C. NGUYEN Examiner Art Unit 2871

chn December 9, 2002

